

RESOLUTION NO. 2001-215

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING AND
ADOPTING PROCEDURES FOR THE FORMATION OF A
PROJECT AREA COMMITTEE FOR THE LODI
REDEVELOPMENT PROJECT NO. 1

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WHEREAS, by Resolution No. 01-20, adopted on July 11, 2001, the Planning Commission of the City of Lodi selected and designated the boundaries (the "Project Area") of the Lodi Redevelopment Project No. 1 (the "Project"), approved a Preliminary Plan for the Project (the "Preliminary Plan"), and submitted said Preliminary Plan to the Redevelopment Agency of the City of Lodi (the "Agency"); and

WHEREAS, the Agency is preparing a proposed Redevelopment Plan for the Project; and

WHEREAS, Section 33385(a) of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) requires that the legislative body, under certain circumstances, call upon the residents and existing community organizations in a redevelopment project area to form a project area committee; and

WHEREAS, Section 33385(b) of the Community Redevelopment Law requires that the legislative body adopt procedures for the formation of project area committees.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City Council hereby determines that a project area committee shall be formed for the Lodi Redevelopment Project No. 1.

Section 2. The City Council hereby approves and adopts the "Procedures for the Formation of a Project Area Committee for the Lodi Redevelopment Project No. 1," attached hereto and incorporated herein by this reference (the "PAC Formation Procedures").

Section 3. The Agency is hereby authorized and directed to take all steps necessary and appropriate to implement the PAC Formation Procedures.

Dated: September 5, 2001

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I hereby certify that Resolution No. 2001-215 was passed and adopted by the Lodi City Council in a regular meeting held September 5, 2001 by the following vote:

AYES: COUNCIL MEMBERS – Howard, Land, Pennino and Mayor Nakanishi

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – Hitchcock



SUSAN J. BLACKSTON
City Clerk

**PROCEDURES FOR THE
FORMATION OF A PROJECT AREA COMMITTEE
FOR THE LODI REDEVELOPMENT PROJECT No. 1**

I. [§100] PURPOSE

The purpose of these PROCEDURES FOR THE FORMATION OF A PROJECT AREA COMMITTEE FOR THE LODI REDEVELOPMENT PROJECT No. 1(the "PAC Formation Procedures") is to implement the provisions of Section 33385 of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) requiring the formation of project area committees in either of the following situations: (a) when a substantial number of low- and moderate-income persons, or both, reside within the project area and the redevelopment plan will contain authority for the agency to acquire, by eminent domain, property on which any persons reside; or (b) when the redevelopment plan will contain one or more public projects that will displace a substantial number of low- or moderate-income persons, or both. The activities undertaken pursuant to these PAC Formation Procedures shall be scheduled in light of the fact that a representative project area committee shall be elected within one hundred (100) days after selection of the Project Area.

II. [§200] DEFINITIONS

A. [§201] Agency

"Agency" means the Redevelopment Agency of the City of Lodi, California, and any Agency staff, consultants, assignees, delegates, and City departments who may be assigned the duties and responsibilities for carrying out these PAC Formation Procedures.

B. [§202] Business

"Business" means any lawful activity, conducted for the purpose of making a profit and primarily for the following:

1. The purchase, sale, lease, or rental of personal or real property and the manufacture, processing, or marketing of products, commodities, or other personal property; or
2. The sale of services to the public; or
3. Any other legally defined business purpose.

C. [§203] Business Owner

"Business Owner" means any person or legal entity, which presents satisfactory evidence of ownership and operation of a business within the Project Area.

Business Owners are separated into two separate categories for purposes of these PAC Formation Procedures:

1. "Business Owner-Tenant" means any Business Owner who presents satisfactory evidence of lawful rental and occupancy of property located within the Project Area where he or she operates his or her business.
2. "Business Owner-Property Owner" means any Business Owner who presents satisfactory evidence of ownership of the property located within the Project Area where he or she operates his or her business.

D. [§204] City

"City" means the City of Lodi, California.

E. [§205] Existing Community Organization

"Existing Community Organization" means any existing nonprofit corporation or association of persons and/or entities which has its headquarters or a site office within the Project Area or has a substantial number of constituents who are persons and/or entities who reside or conduct business in the Project Area formed for the purpose of serving the community and generally recognized by persons within the Project Area as a community organization.

F. [§206] Project

"Project" means the Lodi Redevelopment Project No. 1 which is proposed to be adopted pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) and for which a preliminary plan was adopted by the Planning Commission of the City of Lodi on July 11, 2001, by Resolution No. 01-20 (the "Preliminary Plan").

G. [§207] Project Area

"Project Area" means the area selected and designated by the Planning Commission of the City of Lodi as the project area by Resolution No. 01-20, adopted on July 11, 2001, and described in the Preliminary Plan.

H. [§208] Project Area Committee ("PAC")

"Project Area Committee," or "PAC," means the Project Area Committee formed in accordance with these PAC Formation Procedures for the Project Area.

I. [§209] Residential Owner-Occupant

“Residential Owner-Occupant” means any person who presents satisfactory evidence of ownership and occupancy of a residential dwelling located within the Project Area as his or her principal place of residence.

J. [§210] Residential Tenant

“Residential Tenant” means any person who presents satisfactory evidence of lawful rental and occupancy of a residential dwelling located within the Project Area as his or her principal place of residence.

III. [§300] FORMATION OF PROJECT AREA COMMITTEE

A. [§301] Composition of the PAC

The PAC shall be composed of members from the following categories: (1) Residential Owner-Occupants; (2) Residential Tenants; (3) Business Owner-Tenants; (4) Business Owner-Property Owners; and (5) representatives of Existing Community Organizations.

B. [§302] Total Membership; Methods of Selection

The total membership of the PAC shall be nine (9), divided among the membership categories as follows:

1. Two (2) members shall be Residential Owner-Occupants elected to serve on the PAC;
2. Two (2) members shall be Residential Tenants elected to serve on the PAC;
3. Two (2) members shall be Business Owner-Tenants elected to serve on the PAC;
4. Two (2) members shall be Business Owner-Property Owners elected to serve on the PAC; and
4. One (1) member shall be representative of an Existing Community Organization appointed by the City Council to serve on the PAC. This Existing Community Organization shall be primarily organizations serving residential neighborhoods.

C. [§303] Public Meeting(s) to Explain Project Area Committee

Following the City Council's adoption of these PAC Formation Procedures, the Agency shall conduct at least one (1) public meeting to explain the establishment of, functions of and opportunity to serve on the Project Area Committee.

Notice of the public meeting(s) shall be published and mailed in the manner set forth in Section 307 of these PAC Formation Procedures. The notice shall specify the date, time and place of the public meeting(s), shall include a statement generally describing the purpose of the meeting(s) and shall contain a general description, in text or by diagram, of the Project Area.

At the public meeting(s):

1. Copies of the following shall be distributed:
 - a. These PAC Formation Procedures;
 - b. Chapter 4, Article 6.5 of the Community Redevelopment Law (Health and Safety Code Section 33385 et seq.) (governing project area committees);
 - c. Section 33347.5 of the Health and Safety Code (report of the project area committee);
 - d. Section 33366 of the Health and Safety Code (vote required to adopt the redevelopment plan);
 - e. The Preliminary Plan for the Project Area; and
 - f. Any other information the Agency determines would be useful.
2. The Agency shall briefly describe the proposed Project, the role of the PAC in connection therewith, the application of the Political Reform Act to PAC members and the eligibility to serve on and required composition and size of the membership of the PAC.
3. The Agency shall also briefly explain these PAC Formation Procedures.
4. Finally, the Agency shall respond to any questions from the audience.

D. [§304] Election of PAC Members

The City Council shall adopt, after a duly noticed public hearing, election procedures setting forth the overall process for filing for election, publicizing the election, holding the election and for reviewing disputed elections, filling vacant seats and other

matters related thereto. The election of PAC members shall be conducted in accordance with the adopted procedures. A copy of the "Proposed Procedures for the Election of Members to Project Area Committees in the City of Lodi" is attached hereto as Exhibit A and shall be distributed for informational purposes at the public meeting(s) described in Section 303 hereof prior to adoption by the City Council.

E. [§305] Appointment of Representatives by Appointed Existing Community Organization

The Existing Community Organization appointed by the City Council to serve on the PAC shall appoint one person, 18 years of age or older, to serve as the representative PAC member for that organization. The name of the person so appointed by the Existing Community Organization shall be submitted to the Agency promptly following the election referred to in Section 304.

F. [§306] Confirmation of Project Area Committee Members

After the election referred to in Section 304, the Agency shall report the results to the City Council. Following receipt of the election results and expiration of the fifteen (15) day challenge period, the City Council shall hold a meeting to announce the results of the election and the names of all the Project Area Committee members, including the names of the members appointed to represent Existing Community Organizations. At the same time, the City Council shall, by resolution, find that the election procedures were followed in the election and confirm the Project Area Committee members. Notice of this meeting shall be provided in the manner set forth in Section 307.

G. [§307] Notice Requirements

All notices required to be given pursuant to these PAC Formation Procedures and the election procedures adopted by the City Council in accordance with Section 304 shall be published once in a newspaper of general circulation within the City at least ten (10) days prior to the scheduled event and, to the extent mailing addresses are obtainable at a reasonable cost, shall be mailed to all residents, businesses, and community organizations within the Project Area. The Agency shall be responsible for compiling a mailing list and shall make a good faith effort to obtain mailing addresses for all residents, businesses, and community organizations at a reasonable cost. The notices shall be mailed by first-class mail but may be addressed to "Occupant." In lieu of mailing separate notices for each meeting, hearing, or plebiscite, the Agency may provide a single combined notice setting forth all the dates, times, and locations of all meetings, hearings, or plebiscites.

In addition, the Agency may post notices, distribute flyers, or undertake such other actions as it deems necessary or advisable in order to further inform Residential Owner-Occupants, Residential Tenants, Business Owner-Tenants Business Owner-Property Owners, and Existing Community Organizations of the formation of the PAC.

IV. [§400] GENERAL PROVISIONS

A. [§401] Implementation

The City and Agency are authorized to formulate and take all actions necessary or appropriate to implement these PAC Formation Procedures consistent with these PAC Formation Procedures and the law.

B. [§402] Compensation of PAC Members

The members of the PAC shall serve without compensation.

C. [§403] Political Reform Act

Following confirmation by the City Council of members of the PAC pursuant to Section 306 of these PAC Formation Procedures, the new members shall comply with the provisions of the Political Reform Act (Government Code Section 81000 et seq.).

V. [§500] AMENDMENT OF THESE PAC FORMATION PROCEDURES

The City Council may amend these PAC Formation Procedures to make any necessary adjustments or changes to effectively form the PAC.

EXHIBIT A

PROPOSED

**PROCEDURES FOR THE ELECTION OF MEMBERS
TO PROJECT AREA COMMITTEES IN THE
CITY OF LODI**

I. [§100] PURPOSE

The purpose of these PROCEDURES FOR THE ELECTION OF MEMBERS TO PROJECT AREA COMMITTEES IN THE CITY OF LODI (the "PAC Election Procedures") is to implement the provisions of Section 33385(d) of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.) by establishing a communitywide process for the election of members to Project Area Committees ("PACs") in the City of Lodi.

II. [§200] DEFINITIONS

A. [§201] Agency

"Agency" means the Redevelopment Agency of the City of Lodi, California, and any Agency staff, consultants, assignees, delegates, and City departments who may be assigned the duties and responsibilities for carrying out these PAC Election Procedures.

B. [§202] Business

"Business" means any lawful activity, conducted for the purpose of making a profit and primarily for the following:

1. The purchase, sale, lease, or rental of personal or real property and the manufacture, processing, or marketing of products, commodities, or other personal property; or
2. The sale of services to the public; or
3. Any other legally defined business purpose.

C. [§203] Business Owner

"Business Owner" means any person or legal entity, which presents satisfactory evidence of ownership and operation of a business within the Project Area. Business Owners are separated into two separate categories for purposes of these PAC Election Procedures:

1. "Business Owner-Tenant" means any Business Owner who presents satisfactory evidence of lawful rental and occupancy of property located within the Project Area where he or she operates his or her business.
2. "Business Owner-Property Owner" means any Business Owner who presents satisfactory evidence of ownership of the property located within the Project Area where he or she operates his or her business.

D. [§204] City

"City" means the City of Lodi, California.

E. [§205] Project

"Project" means the redevelopment project which is proposed to be adopted pursuant to the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) and for which a preliminary plan has been adopted by the Planning Commission of the City of Lodi.

G. [§206] Project Area

"Project Area" means the area selected and designated as the redevelopment project area by the Planning Commission of the City of Lodi.

H. [§207] Project Area Committee ("PAC")

"Project Area Committee," or "PAC," means the Project Area Committee elected in accordance with these PAC Election Procedures for the Project Area.

I. [§208] Residential Owner-Occupant

"Residential Owner-Occupant" means any person who presents satisfactory evidence of ownership and occupancy of a residential dwelling located within the Project Area as his or her principal place of residence.

J. [§209] Residential Tenant

"Residential Tenant" means any person who presents satisfactory evidence of lawful rental and occupancy of a residential dwelling located within the Project Area as his or her principal place of residence.

III. [§300] VOTER AND CANDIDATE ELIGIBILITY

A. [§301] General Eligibility Requirements

In order to qualify to vote for or be a candidate for election as a member of the PAC, a person must present proof that he or she is at least 18 years of age or older and either resides within the Project Area or owns and operates a business within the Project Area. Proof of voter eligibility shall be by voter affidavit given at the time of voting. Proof of candidate eligibility shall consist of a California driver's license or California identification card and such other proof as is required pursuant to the provisions set forth in paragraphs B and C of this Part III.

B. [§302] Required Proofs for Residential Owner-Occupant Category

Persons seeking to prove their eligibility for the category of Residential Owner-Occupant must, in addition to the proof required by paragraph A above, also provide evidence of current ownership and occupancy of property within the Project Area by such means as a copy of their property tax bill and one document verifying occupancy, such as a utility bill, printed check, or other similar document.

C. [§303] Required Proofs for Residential Tenant and Business Owner-Tenant Categories

Persons seeking to prove their eligibility for the Residential Tenant or Business Owner-Tenant categories must, in addition to the proof required by paragraph A above, also provide evidence of their current residential tenancy or business operation, and ownership by such means as a copy of a rental agreement or lease of property within the Project Area, copies of rent receipts, utility bills and/or copies of business licenses or permits, or similar documentation.

D. [§304] Required Proofs for Business Owner-Property Owner Category

Persons seeking to prove their eligibility for the category of Business Owner-Property Owner must, in addition to the proof required by paragraph A above, also provide evidence of current ownership of property within the Project Area by such means as a copy of their property tax bill and one or more documents verifying business ownership, such as copies of business licenses or permits, or similar documentation.

E. [§305] Multiple Qualifying Conditions

A person with multiple qualifying conditions shall be entitled to cast only one vote regardless of the number of properties which that person owns or other conditions which otherwise provide the basis for qualification. Entities and businesses which are not natural persons, such as partnerships or corporations, shall select only one person to vote or be a candidate for election on behalf of that entity or business.

IV. [§400] VOTER REGISTRATION

Prior to voting, any person desiring to vote must register with Agency staff by filling out and submitting to the Agency an affidavit of eligibility to vote as referred to in Part III above. The affidavit of eligibility shall be in the form set forth in the lower half of the Sample Ballot (Attachment No. 1 to these PAC Election Procedures).

Any person eligible to vote in more than one membership category must choose one category only in which to vote.

V. [§500] CANDIDATE FILING/STATEMENTS

Prior to the election, any person desiring to run for election to the PAC must fill out and file with the Agency the Candidate Information Form (Attachment No. 2 to these PAC Election Procedures) and such other documentation as is required under Part III above. Candidate filings may be made at the pre-election meeting described in Part VI below or may be otherwise submitted to the Agency, provided, however, that all candidate filings must be made no later than one (1) week prior to the election. In the event no candidate filings are made in a particular category prior to the one-week deadline, the Agency may, at its discretion, elect to extend the filing deadline for any period up to and including election day.

Any person eligible to be a candidate in more than one membership category must choose one category only for which to run.

All candidates from each membership category may submit appropriate election statements which shall be made available by the Agency immediately prior to the start of the election. Candidate statements shall not exceed one page (8-1/2" x 11") in length and must be submitted to the Agency no later than one (1) week prior to the election. Candidate statements, as submitted, may be reproduced and/or enlarged by Agency staff, but shall not otherwise be altered.

VI. [§600] PRE-ELECTION INFORMATIONAL MEETING(S)

The Agency shall conduct at least one (1) public meeting to explain the election process, provide Candidate Information Forms and answer any questions pertaining to eligibility requirements for voters and candidates, the scheduled date, time and location of the election, and similar matters. During the pre-election informational meeting(s), the Agency shall accept Candidate Information Forms and election statements.

Notice of the date, time, and location of the pre-election informational meeting(s) shall be given pursuant to the procedures adopted by the City Council for the formation of a PAC for the Project Area (the "PAC Formation Procedures").

VII. [§700] ELECTION

A. [§701] Time of Election

The election of a representative PAC shall be held within 100 days after the Project Area is selected. The Agency shall establish an appropriate date, time, and location for the election.

B. [§702] Notice of Election

Notice of the date, time, and place of the election shall be given pursuant to the PAC Formation Procedures.

C. [§703] Balloting

Persons eligible to vote shall be entitled to cast votes only in the category for which they are eligible to vote. No write-in candidates will be allowed.

Ballots shall be provided for each membership category. Voting shall be conducted by secret ballot. The Agency shall make a reasonable effort to ensure private voting. Simply folding the ballot and passing it to an authorized election assistant will suffice.

The tallying of ballots shall be done immediately following the election. No absentee ballots shall be accepted.

D. [§704] Results/Runoffs

The Agency shall announce the winners of each category of membership as soon as possible after the ballots for each category have been tallied. The candidate with the highest number of votes in the applicable membership category (or such number of candidates with the highest number of votes as there are positions available) shall be elected. In the event of a tie for a membership position, the person or organization to be designated for that position shall be selected by majority vote of the other members of the Project Area Committee at their first meeting.

VIII. [§800] CHALLENGES

The Agency shall retain all ballots and election results for presentation to the City Council in the event of any potential challenges. Any challenge to the election of any member to the PAC must be made in writing and filed with the City Council within fifteen (15) days after the election. The City Council shall use its reasonable discretion to resolve any questions presented by the challenge. The validity of all challenges shall be determined by the City Council within thirty (30) days after the election.

IX. [§900] VACANCIES

Vacancies in PAC membership shall be filled according to the PAC's adopted Bylaws.

ATTACHMENT NO. 1

SAMPLE RESIDENTIAL OWNER-OCCUPANT BALLOT

Please choose no more than two (2) of the following:

- | | |
|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> Candidate 1 | <input type="checkbox"/> Candidate 4 |
| <input type="checkbox"/> Candidate 2 | <input type="checkbox"/> Candidate 5 |
| <input type="checkbox"/> Candidate 3 | <input type="checkbox"/> Candidate 6 |

Please detach here

ELIGIBILITY CERTIFICATE

I, _____, do hereby certify that I have read and understand the voter eligibility requirements described in the "Procedures for the Election of Members to Project Area Committees in the City of Lodi" (the "PAC Election Procedures") and that I am eligible to vote in the election of members to the Project Area Committee for the Lodi Redevelopment Project No. 1. My signature below acknowledges that I own and occupy residential property in the Lodi Redevelopment Project Area and that I am able to show proof of this upon demand. I understand that I am eligible to vote only in this category, regardless of qualifying to vote in other categories. I further understand that the violation of any of the voter eligibility requirements set forth in Sections 300-304 of the PAC Election Procedures will nullify the above ballot.

SIGNED: _____

Date

ADDRESS: _____

Exhibit A
Attachment No. 1

ATTACHMENT NO. 2

CANDIDATE INFORMATION FORM
PROJECT AREA COMMITTEE

PROJECT

[Please Print]

NAME: _____

TELEPHONE NUMBER: (____) _____

MAILING ADDRESS: _____

I would like to serve as a member of the Project Area Committee for the _____
_____ Redevelopment Project under the following category (choose one of the following
only; membership categories and qualifications are described on the reverse side of this
form):

- ☐ Residential Owner-Occupant
- ☐ Residential Tenant
- ☐ Business Owner-Tenant
- ☐ Business Owner-Property Owner

ADDRESS: _____

NAME OF BUSINESS (if applicable): _____

BUSINESS LICENSE NUMBER (if applicable): _____

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT THE FOREGOING
INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND
THAT I MEET THE REQUIRED QUALIFICATIONS TO BE DESIGNATED AS A
MEMBER OF THE PROJECT AREA COMMITTEE FOR THE LODI
REDEVELOPMENT PROJECT No. 1.

SIGNATURE: _____ DATE: _____

DEADLINE FOR SUBMISSION: _____

Submit in person or by mail to the REDEVELOPMENT AGENCY OF THE CITY OF
LODI, Attention: Rad Bartlam, Community Development Director, 221 West Pine Street,
Lodi, California 95241

Persons interested in serving on the Project Area Committee are hereby notified that, if elected, they must file, as a public record, a Statement of Economic Interest and must comply with provisions of the Conflict of Interest Code for the Project Area Committee.

MEMBERSHIP CATEGORIES, QUALIFICATIONS AND
DOCUMENTS REQUIRED TO BE FILED BY CANDIDATES

Proof that the candidate is at least 18 years of age or older, such as a copy of a birth certificate, voter's registration card, driver's license or California identification card, must be filed with the Voter Qualification Form.

Residential Owner-Occupant:

To qualify as a candidate under this category, the person must own and occupy, as his or her principal place of residence, a residential dwelling located within the Lodi Redevelopment Project Area.

A copy of the property tax bill and one document verifying that the property is occupied by the owner, such as a utility bill, printed check, or other similar document, must be presented with the Candidate Information Form.

Residential Tenant:

To qualify as a candidate under this category, the person must rent and occupy, as his or her principal place of residence, a residential dwelling located within the Lodi Redevelopment Project Area.

A copy of a rental agreement, lease agreement, rent receipt, statement from the landlord, or utility bill verifying that the property is occupied by the renter must be presented with the Candidate Information Form.

Business Owner-Tenant:

To qualify as a candidate under this category, the person must own and operate a business located within the Lodi Redevelopment Project Area and rent the property where his or her business is located. Business Owner-Tenant shall include any person or legal entity which presents satisfactory evidence of ownership and operation of a business within the Project Area.

A copy of a rental agreement, lease agreement, rent receipt, utility bill, business license or permit, property tax bill, or similar documentation must be presented with the Candidate Information Form.

Business Owner-Property Owner:

To qualify as a candidate under this category, the person must own and operate a business located within the Lodi Redevelopment Project Area and own the property where his or her business is located. Business Owner-Property Owner shall include any person or legal entity which presents satisfactory evidence of ownership and operation of a business within the Project Area and ownership of the property where that business is located.

A copy of the property tax bill and one or more documents verifying business ownership, such as copies of business licenses or permits, or similar documentation must be presented with the Candidate Information Form.

